



## Judicial Council of California

Administrative Office of the Courts

Office of Governmental Affairs

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### MEMORANDUM

TO: Honorable Ronald M. George  
Members of the Policy Coordination and Liaison Committee

FROM: Ray LeBov, Director  
Office of Governmental Affairs

DATE: May 4, 2001

RE: Status of 2001 legislation considered by the Policy Coordination and Liaison Committee

Following is a status report on legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during 2001 of the 2001-2002 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column "description and updates" describes the bill on which the PCLC position was initially based and any subsequent updates and amendments. The "Judicial Council position" column tracks the council's initial position and any change to that position.

The Office of Governmental Affairs staff member assigned to the bill is designated below the bill number as follows: (RL) Ray LeBov; (KH) Kathleen Howard; (JC) June Clark; (JP) Jody Patel; (DP) Don Pone; and (TW) Terrie F. Wilfong.

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Status of 2001 Legislation Considered by the**  
**Policy Coordination and Liaison Committee**

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**JUDICIAL COUNCIL OF CALIFORNIA  
POLICY COORDINATION COMMITTEE  
POSITIONS ON LEGISLATION  
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Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/04/01
AB 74 (JC)	<b><u>Assembly Bill 74 (Washington) – Criminal procedure: dismissal of action</u></b>  As introduced Lengthens the time in the case of felonies from 60 to 63 days and shortens the time in the case of misdemeanors from 30 to 28 days within which a defendant must be brought to trial. Absent a defendant's waiver of these time limits, the court is required to dismiss the action when the defendant is not brought to trial within the prescribed timeframe.	As introduced Oppose	An individual judge	In Assembly Public Safety Committee
AB 145 (JP)	<b><u>Assembly Bill 145 (Robert Pacheco) – Credit cards: acceptance by courts</u></b>  As introduced Authorizes the use of credit cards for any court-ordered fee or fine.		Judicial Council	In Senate
AB 160 (KH)	<b><u>Assembly Bill 160 (Bates) – Protective orders: precedence</u></b>  As introduced Clarifies the law regarding the precedence of criminal court protective orders over orders issued in the family or juvenile court.	As introduced Oppose unless amended; support if amended to create a protocol that will allow for the timely coordination of all orders against the same defendant. The bill must address the courts' need to have access to information about orders that have been issued by other departments within the same court, or by other courts in order to comply.	California Alliance Against Domestic Violence	In Assembly Public Safety Committee



Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/04/01
AB 223 (JP)	<p><b><u>Assembly Bill 223 (Frommer) – Civil procedure</u></b></p> <p>As introduced Among other things, authorizes clerk of court to issue a commission authorizing a deposition in another state or place without a noticed motion or court order. If the foreign jurisdiction requires a court order, one can be obtained by ex parte application. Expands the Judicial Council's authority to develop and approve official form interrogatories in any civil action. Also specifies that a judicial officer may not require disclosure of attorney work product that is within the absolute prohibition against disclosure and that other attorney work product may be disclosed in chambers out of the presence of all persons except the person authorized to claim the protection for the judge to determine whether the denial of discovery of the work product will unfairly prejudice a party.</p> <p>As amended 3/27/01 Amendments include several trial court funding clean-up proposals including the elimination of references to the Trial Court Budget Committee.</p>		Judicial Council	In Assembly Appropriations Committee
AB 241 (JC)	<p><b><u>Assembly Bill 241 (Dickerson) – Traffic offenses: driving on a suspended license: striking of priors</u></b></p> <p>As introduced Makes it a misdemeanor or felony if a person is convicted of driving without a valid driver's license or while driving privilege is suspended or revoked if the recent conviction occurred within seven years of three or more separate violations that resulted in convictions. Prohibits the court from striking any of those prior convictions, and requires the court to impose, as a condition of probation, a mandatory 270 days of confinement in county jail, and, if a person is convicted of a felony, order the forfeiture of the vehicle.</p>	<p>As introduced Oppose unless amended to delete the prohibitions against the court striking prior convictions.</p>		In Assembly Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/04/01
AB 299 (JC)	<b><u>Assembly Bill 299 (Rod Pacheco) – Criminal procedure: jurisdiction</u></b>  As introduced Grants a court exercising jurisdiction over multiple offenses involving criminal sexual acts and stalking that occurred in more than one jurisdictional territory jurisdiction over properly joinable offenses.	As introduced Support	California District Attorneys Association	In Assembly Public Safety Committee
AB 329 (DP)	<b><u>Assembly Bill 329 (Jackson) – Court proceedings</u></b>  As introduced In counties of five or more judges, after a 170.6 disqualification, requires the reassignment to a different judge to be made on a random basis.	As introduced Oppose	Consumer Attorneys of California	In Assembly Judiciary Committee
AB 1129 (KH)	<b><u>Assembly Bill 1129 (Liu) – Dependency court: protective orders</u></b>  As introduced Permits the dependency court to issue protective orders against any parent, guardian, or current or former member of the child's household, whether or not the child resides with that person.	As introduced Support if amended to change the words "parent or guardian or current or former member of the child's household" to the word "person".	California National Organization for Women	In Assembly Appropriations Committee
AB 1345 (JC)	<b><u>Assembly Bill 1345 (Daucher), – Proposition 36: drug testing</u></b>  As introduced AB 1345 requires persons ordered to undergo drug treatment pursuant to Proposition 36 to submit to drug testing. (See also SB 223.)	As introduced Support in concept	Author	In Assembly Public Safety Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/4/01
AB 1571 (RL)	<p><b><u>Assembly Bill 1571 (Shelley) – Supreme court and court of appeal employees</u></b></p> <p>As introduced Eliminates the statutory “at pleasure” status of Supreme Court and Court of Appeal employees. Establishes a new statutory scheme providing for the formation of employee organizations and collective bargaining for those employees. The labor relations provisions are substantially similar to provisions in the Trial Court Employment Protection and Governance Act (TCEPGA).</p>	As introduced Oppose	American Federation of State, County, and Municipal Employees (AFSCME)	In Assembly Judiciary Committee
AB 1660 (TW)	<p><b><u>Assembly Bill 1660 (McLeod) – Jury service excuse: pollworkers</u></b></p> <p>As introduced Excuses an eligible person who serves as a pollworker at a national, statewide, or local election from jury service for a period of one year following the date of the election at which the pollworker serves.</p>	As introduced Oppose	Author	In Assembly Judiciary Committee
AB 1698 (KH)	<p><b><u>Assembly Bill 1698 (Assembly Judiciary Committee) – Subordinate judicial officers</u></b></p> <p>As introduced Spot bill for a proposal to permit the conversion of vacant subordinate judicial officer's positions to judgeships.</p>		Judicial Council	In Assembly Judiciary Committee
AB 1700 (JP)	<p><b><u>Assembly Bill 1700 (Assembly Judiciary Committee) – Trial court funding: cleanup</u></b></p> <p>As introduced Revises, recasts, or repeals, various court-related provisions.</p>		Judicial Council	In Assembly Appropriations Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/4/01
SB 66 (KH)	<p><b><u>Senate Bill 66 (Kuehl) – Domestic violence protective orders: data base search</u></b></p> <p>As amended March 27, 2001 Requires the court, when considering the issuance of a protective order under the Domestic Violence Prevention Act (DVPA) to “ensure that a search is or has been conducted to determine if the subject of the proposed order has any prior criminal convictions involving domestic violence, weapons, or other violence, has any outstanding warrants, is currently on parole or probation, or is the subject of any current or prior restraining orders.”</p>	<p>As amended March 27, 2001 Oppose unless amended to specifically require that law enforcement conduct the data base search; to provide adequate funding for new mandates on courts; operate as a pilot project.</p>		In Senate Appropriations Committee
SB 82 (JP)	<p><b><u>Senate Bill 82 (Burton) – Judicial compensation</u></b></p> <p>As introduced Operative January 1, 2002 increases the salaries of justices and judges of the Supreme Court, court of appeal, and trial courts as of December 31, 2001, by 8.5%.</p>		Judicial Council	In Senate Judiciary Committee
SB 174 (KH)	<p><b><u>Senate Bill 174 (Kuehl) – Child support: computer software</u></b></p> <p>As introduced Requires the California Child Support Automation System to contain the official state computer software for the calculation of child support. Prohibits the department from incorporating proprietary child support calculation software into the California system. Upon certification from the Director of the California Department of Child Support Services that the Child Support Automation System is operational in all 58 counties, deletes the requirement that the Judicial Council certify child support software.</p>	<p>As introduced No position, but communicate concerns, particularly about the need for the new system to include all of the functions available in the privately-provided software.</p>	Author	In Senate Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/4/01
SB 177 (JC)	<b><u>Senate Bill 177 (Haynes) – Property seizures: notice to owners</u></b>  As introduced Provides that, absent specific statutory procedures, property seized by a law enforcement agency that is not evidence or contraband shall be returned within a maximum of 30 days from the date the case concludes. Also provides that the individual or entity from whom the evidence is seized shall be advised of his or her right to request a hearing to determine whether or not the property that is subject to forfeiture is contraband.	As introduced Oppose unless amended to clarify that the bill only applies to law enforcement or, in the alternative, to clarify the court's role.	Author	In Senate Appropriations Committee
SB 223 (JC)	<b><u>SB 223 (Burton) Proposition 36: drug testing</u></b>  As proposed to be amended SB 223 requires persons ordered to undergo drug treatment pursuant to Proposition 36 to submit to drug testing. (See also AB 1345.)	As proposed to be amended Support in concept.	Author	In Senate Appropriations Committee
SB 238 (LM/DP)	<b><u>SB 238 (Kuehl) - Bonds and undertakings</u></b>  As introduced Gives the court discretion to waive bond requirements or undertakings in actions and proceedings brought in the public interest where the principal has no direct financial interest in the determination of the matter.	As introduced Neutral	Author	In Assembly
SB 303 (TW)	<b><u>Senate Bill 303 (Torlakson) – Jury exemption: San Francisco Bay Area Rapid Transit (BART) Police</u></b>  As introduced Exempts San Francisco Bay Area Rapid Transit (BART) police from criminal and civil jury duty.	As introduced Oppose	San Francisco Bay Area Rapid Transit (BART) Police	Senate Floor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/4/01
SB 475 (RL/DP))	<p><b><u>Senate Bill 475 (Escuita) – Dispute resolution: referees and arbitrators</u></b></p> <p>As amended April 16, 2001 Among other things, requires an appointed arbitrator in non-judicial arbitrations to comply with all disclosure requirements established in current law. Directs the Judicial Council to adopt ethical guidelines for these arbitrators by July 1, 2002. Revises court's ability to appoint a hand-picked referee when the parties do not agree to a referee, and expands the scope of the Judicial Council's report to specifically review both the voluntary and involuntary use of referees in discovery matters.</p>		Judicial Council/ Governor's Office/Author	In Senate Appropriations Committee Set to be heard on May 7, 2001
SB 485 (JC)	<p><b><u>Senate Bill 485 (Senate Public Safety Committee) – Exhibits: harmful matter</u></b></p> <p>As introduced Among other things, clarifies that the court, on its own motion or on the motion of the People, must make a finding that photographs of minors are harmful matter as defined in PC sec. 313, to direct the preservation, handling, and disposition of the material accordingly.</p>		Judicial Council	In Senate Appropriations Committee
SB 518 (JP)	<p><b><u>Senate Bill 518 (Dunn) -- Trial Court funding</u></b></p> <p>As introduced Reduces the trial court funding maintenance of effort for specified counties by \$45,926,934.</p>	<p>As introduced Oppose unless amended to appropriate funding in the amount of \$45,926,934.</p>	Orange County	In Senate Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/4/01
SB 668 (LM/DP)	<p><b><u>Senate Bill 668 (Poochigian) – Estates and trusts: alloation of debts</u></b></p> <p>As introduced Revises the provision relating to the allocation of debts between a decedent's estate and a surviving spouse in the absence of an agreement. Requires that a court characterize the debts as separate or community, and then set forth a procedure for allocating the separate or community property debts to assets similarly characterized, which would then be primarily liable for the debts. Specifies methods of allocating a spouse's unsecured separate property debts. Permits a court to order a different allocation of debts if the court finds it to be equitable under the circumstances.</p>	As introduced Support	Estate Planning Section of the State Bar of California	In Assembly
SB 669 (LM/DP)	<p><b><u>Senate Bill 669 (Poochigian) – Probate:property claims</u></b></p> <p>As amended March 27, 2001 Authorizes the probate court to hear questions of title affecting property and any factually related matters claimed by a fiduciary acting on behalf of an estate or other person. Reorganizes various provisions in the Probate Code dealing with determination of property claims against estates of decedents, wards, conservatees, and trusts.</p>	As amended March 27, 2001 Support	Estate Planning Section of the State Bar of California	In Assembly
SB 791 (JC)	<p><b><u>Senate Bill 791 (McPherson) – Marijuana: possession: penalty</u></b></p> <p>As introduced Reclassifies as an infraction the possession of not more than 28.5 grams of marijuana.</p>	As introduced Support	Author	In Public Safety Committee Set to be heard on May 8, 2001

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status As of 5/4/01
SB 927 (KH)	<p><b><u>Senate Bill 927 (Escutia) – Court interpreters in domestic violence proceedings</u></b></p> <p>As introduced Requires that a certified or registered court interpreter be provided at court expense in any family law proceeding that involves allegations of domestic violence.</p>	<p>As introduced Oppose unless amended and funded; support if amended and funded. Amendments must acknowledge the limited pool of interpreter resources, and that full compliance is not possible until the supply of interpreters increases</p>	California Alliance Against Domestic Violence	In Senate Appropriations Committee
SB 940 (JC/TW)	<p><b><u>Senate Bill 940 (Senate Judiciary Committee) – Juvenile traffic infractions</u></b></p> <p>As amended April 3, 2001 Among other things, allows the court in juvenile infraction cases to proceed directly on the notice to appear.</p>		Judicial Council	In Senate Public Safety Committee
SB 1153 (JP)	<p><b><u>Senate Bill 1153 (Johannessen) – Court security costs: counties less than 103,000</u></b></p> <p>As introduced Provides that costs directly related to court security in counties with a population of less than 103,000 shall be paid by the state.</p>	<p>As introduced Oppose unless amended to include an appropriation equivalent to the security costs that are currently paid by the county.</p>	Siskiyou County	In Senate Judiciary Committee
SB 1221 (KH)	<p><b><u>Senate Bill 1221 (Romero) – Spousal support: domestic violence</u></b></p> <p>As introduced Creates a rebuttable presumption in any proceeding for dissolution of marriage brought within six months of a criminal conviction for an act of domestic violence that any award of spousal support to the abusive spouse otherwise awardable should be reduced by at least 20%.</p>	<p>As introduced Oppose unless amended to delete the rebuttable presumption, and instead add consideration of any history of domestic violence between the parties to the list of factors enumerated in Family Code sec. 4320.</p>	Author	Senate Floor



# APPENDIX A

## JUDICIAL COUNCIL SPONSORED LEGISLATION

### 2001

Bill No. (Advocate) Topic	Bill No. (Author) Description and Updates	Sponsor	Status As of 5/4/01
AB 145 (JP)	<b>Assembly Bill 145 (Robert Pacheco) – Credit cards: acceptance by courts</b>  As introduced Authorizes the use of credit cards for any court-ordered fee or fine.	Judicial Council	In Senate

<p>AB 223 (JC)</p>	<p><b><u>Assembly Bill 223 (Frommer) – Civil procedure</u></b></p> <p>As introduced Among other things, authorizes clerk of court to issue a commission authorizing a deposition in another state or place without a noticed motion or court order. If the foreign jurisdiction requires a court order, one can be obtained by ex parte application. Expands the Judicial Council's authority to develop and approve official form interrogatories in any civil action. Also specifies that a judicial officer may not require disclosure of attorney work product that is within the absolute prohibition against disclosure and that other attorney work product may be disclosed in chambers out of the presence of all persons except the person authorized to claim the protection for the judge to determine whether the denial of discovery of the work product will unfairly prejudice a party.</p> <p>As amended 3/27/01 Amendments include several trial court funding clean-up proposals including the elimination of references to the Trial Court Budget Committee.</p>	<p>Judicial Council</p>	<p>In Assembly Appropriations Committee</p>
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<b>Bill No. (Advocate) Topic</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Sponsor</b>	<b>Status As of 5/4/01</b>
AB 1698 (KH)	<p><b>Assembly Bill 1698 (Assembly Judiciary Committee) – Subordinate judicial officers</b></p> <p>As introduced Spot bill for a proposal to permit the conversion of vacant subordinate judicial officer's positions to judgeships..</p>	Judicial Council	In Assembly Judiciary Committee
AB 1700 (JP)	<p><b>Assembly Bill 1700 (Assembly Judiciary Committee) – Trial court funding: cleanup</b></p> <p>As introduced Revises, recasts, or repeals, various court related provisions.</p>	Judicial Council	In Assembly Appropriations Committee
SB 82 (JP)	<p><b>Senate Bill 82 (Burton) – Judicial compensation</b></p> <p>As introduced Operative January 1, 2002 increases the salaries of justices and judges of the Supreme Court, court of appeal, and trial courts as of December 31, 2001, by 8.5%.</p>	Judicial Council	In Senate Judiciary Committee

<p>SB 475 (RL/DP)</p>	<p><b>Senate Bill 475 (Escuita) – Dispute resolution: referees and arbitrators</b></p> <p>As amended April 16, 2001 Among other things, requires an appointed arbitrator in non-judicial arbitrations to comply with all disclosure requirements established in current law. Directs the Judicial Council to adopt ethical guidelines for these arbitrators by July 1, 2002. Revises court's ability to appoint a hand-picked referee when the parties do not agree to a referee, and expands the scope of the Judicial Council's report to specifically review both the voluntary and involuntary use of referees in discovery matters.</p>	<p>Judicial Council/ Governor's Office/Author</p>	<p>In Senate Appropriations Committee Set to be heard on May 7, 2001</p>
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<b>Bill No. (Advocate) Topic</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Sponsor</b>	<b>Status As of 5/4/01</b>
SB 485 (JC)	<p><b>Senate Bill 485 (Senate Public Safety Committee) – Exhibits: harmful matter</b></p> <p>As introduced Among other things, clarifies that the court, on its own motion or on the motion of the People, must make a finding that photographs of minors are harmful matter as defined in PC sec. 313, to direct the preservation, handling, and disposition of the material accordingly.</p>	Judicial Council	In Senate Appropriations Committee
SB 940 (JC/TW)	<p><b>Senate Bill 940 (Senate Judiciary Committee) – Juvenile traffic infractions</b></p> <p>As amended April 3, 2001 Among other things, allows the court in juvenile infraction cases to proceed directly on the notice to appear.</p>	Judicial Council	In Senate Public Safety Committee